

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

BRIAN JOSEPH MCMONAGLE,
Petitioner-Appellant,

v.

DON L. MEYER, Chief Probation
Officer, Sacramento County,
Respondent-Appellee.

No. 12-15360

D.C. No.
2:11-cv-02115-
GGH

ORDER

Filed April 3, 2015

ORDER

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.